



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 19 2008

REPLY TO THE ATTENTION OF:
AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul Hartman
Utilities Superintendent
Logansport Municipal Utilities
City Building
601 East Broadway #101
Logansport, Indiana 46947-3186

Dear Mr. Hartman:

This is to advise you that the U.S. Environmental Protection Agency has determined that Logansport Municipal Utilities (Logansport) at 8th and Race Streets in Logansport, Indiana (facility) is in violation of the Clean Air Act (CAA) and associated state pollution control requirements. The requirements violated are provided below. EPA is issuing Logansport a Notice of Violation and Finding of Violation (NOV/FOV) for these violations.

The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health and welfare. To attain and maintain these standards, each State is required to develop an implementation plan. Indiana's State Implementation Plan (SIP) includes a requirement that visible emissions not exceed an average of forty percent opacity in twenty-four (24) consecutive readings. The purpose of the visible emission limit is to help protect the public from unhealthy exposures to particulate. Particulate emissions, in particular fine particulate, contribute to respiratory problems, lung damage and premature death.

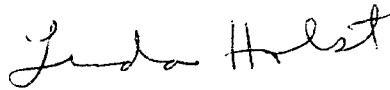
EPA finds that Logansport has violated Indiana SIP requirements as incorporated into Logansport's Title V Permit T017-7478-00006 that was issued on September 1, 2005. Since Logansport violated its Title V permit, the facility also violated Title V of the CAA and its associated regulations, which require compliance with the terms and conditions of Title V permits. Additionally, in violating Indiana SIP requirements, the facility has violated Title I of the CAA and its implementing regulations, which require compliance with the terms and conditions of the Indiana SIP.


Section 113 of the CAA provides several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action and bringing a judicial criminal action.

EPA is offering Logansport the opportunity to request a conference with EPA to discuss the violations alleged in the NOV/FOV. A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. This conference will provide Logansport a chance to present information on the identified violations, present any efforts taken to comply and identify steps to be taken to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Monica Onyszko. You may call her at 312-353-5139 if you wish to request a conference. EPA hopes that this NOV/FOV will encourage Logansport's compliance with the requirements of the CAA.

Sincerely,



 Cheryl L. Newton
Acting Director
Air and Radiation Division

Enclosure

cc: Craig Henry
Chief
Office of Enforcement Air Section
Indiana Department Environmental Management

Dan Hancock
Senior Environmental Manager
Office of Air Quality/Compliance Branch
Indiana Department Environmental Management

- a. The Indiana Department of Environmental Management (IDEM) issued Title V operating permit T017-7478-00006 (Title V permit) to the facility on September 1, 2005. Part C.2(a) of the Title V permit prohibits the Logansport facility, including Units #5 and #6, from emitting visible emissions in excess of forty percent (40%) opacity in any one (1) six (6) minute averaging period.
- b. Part C.2(b) of the Title V permit prohibits the Logansport facility, including Units #5 and #6, from emitting visible emissions in excess of sixty percent (60%) for more than a cumulative total of fifteen (15) minutes [sixty (60) readings as measured according to 40 C.F.R. Part 60, Appendix A, Method 9 or fifteen (15)

one (1) minute non-overlapping integrated averages from a continuous opacity monitor] in a six (6) hour period.

- c. 326 IAC 5-1-2(1)(A) of the Indiana SIP states that visible emissions shall not exceed an average of forty percent (40%) opacity in twenty four (24) consecutive readings. 326 IAC 5-1-2 has a Federal effective date of April 16, 1997 (62 FR 18523).
 - d. 326 IAC 5-1-2(1)(B) of the Indiana SIP states that visible emissions shall not exceed sixty percent (60%) opacity for more than a cumulative total of fifteen (15) minutes (sixty (60) readings) in a six (6) hour period.
2. An EPA inspector certified to conduct visible emission readings in accordance with 40 C.F.R. Part 60, Appendix A, Method 9 recorded opacity at Units #5 and #6 at the Logansport facility on July 1, 2008. A summary of the readings is below:

Date	Observation Period	6-Minute Average Opacity Observed
07/01/08	10:38 to 10:44 AM	72.1%
	10:44 to 10:50 AM	72.9%
	10:50 to 10:56 AM	78.5%
	10:56 to 11:02 AM	81.3%
	11:02 to 11:08 AM	79.4%
Total observation time - 30 minutes (10:38 to 11:08 AM)		
Total time exceeding standard from 10:38 to 11:08 AM - 30 minutes		

3. Logansport's excess visible emissions from Units #5 and #6 are violations of the opacity limits found in Parts C.2(a) and (b) of the facility's Title V permit and of the applicable Indiana SIP requirements specified in the Title V permit.

Environmental Impact of Violations

4. Violation of visible emission standards increases public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.

9/19/08
Date

Linda Helst
Cheryl L. Newton
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice of Violation and a Finding of Violation,
EPA-5-08-27-IN, by Certified Mail, Return Receipt Requested, to:

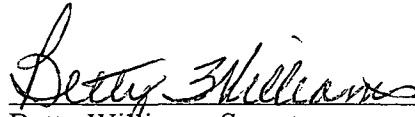
Paul Hartman, Utilities Superintendent
Logansport Municipal Utilities
City Building
601 E. Broadway #101
Logansport, Indiana 46947-3186

I also certify that I sent a copy of the Notice of Violation and a Finding of Violation,
EPA-5-08-27-IN, by First Class Mail to:

Craig Henry, Chief
Office of Enforcement Air Section
Indiana Department Environmental Management
100 North Senate Avenue, Room 1001
Indianapolis, Indiana 46206-6015

Dan Hancock
Senior Environmental Manager
Office of Air Quality/Compliance Branch
Indiana Department Environmental Management
100 North Senate Avenue, Room IGCN 1003
Indianapolis, Indiana 46204

on the 19th day of September 2008.


Betty Williams, Secretary
AECAS(IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000601861016